

MOSER LAW FIRM, PC



Paul A. Pagano

Tel: 917.589.1479

paul.pagano@moserlawfirm.com

January 22, 2021

VIA ECF

The Honorable A. Kathleen Tomlinson
United States Magistrate Judge
United States District Court
100 Federal Plaza
Central Islip, NY 11722

Re: *Caccavale v. Hewlett-Packard Company a/k/a HP Inc., et al.*
2:20-cv-00974-GRB-AKT (E.D.N.Y.)

Dear Judge Tomlinson:

This firm represents Plaintiffs Tony Caccavale, Anthony Mangelli, Douglas Sorbie and James Billups (collectively "Plaintiffs") in the above referenced matter. Plaintiffs write to request a conference with Your Honor with respect to moving forward with discovery.

On December 11, 2020, Your Honor held a discovery conference with the parties. At the conference, Your Honor ordered that discovery, with the exception of the balance of the HP Defendants' then outstanding document production, be held in abeyance pending resolution of the issues discussed at the conference, namely Plaintiffs' anticipated second amended complaint ("SAC") and Defendants' anticipated motions to dismiss the SAC.

As to the SAC, Defendants consented to allow Plaintiffs to file the SAC, which was filed on December 17, 2020 (DE 55).

As to Defendants' motions to dismiss same, on December 23, 2020, Defendants submitted letter motions requesting a conference with Judge Brown seeking permission to move to dismiss the SAC (DE 57 and DE 58). On January 4, 2021, Plaintiffs submitted their letters in opposition to Defendants' requests (DE 60 and DE 61). On January 12, 2021, the parties held a pre-motion conference with Judge Brown during which His Honor dismissed Defendants' motions as they pertained to Plaintiffs' NYLL §§ 191 and 198 claims and permitted Defendant Unisys Corporation to make a motion with respect to one limited issue on Plaintiff Sorbie and the Late Paid Overtime Collective's claim brought under the Fair Labor Standards Act. Defendant Unisys, reserving all rights, has recently decided not to move forward with a motion.

At this juncture, all of the issues raised by Your Honor's December 11, 2020 order have been resolved and Plaintiffs seek a conference call with Your Honor to discuss moving forward with discovery.

Thank you for your attention.

Respectfully submitted,

Paul Pagano

Paul A. Pagano

cc: All Counsel of Record (VIA ECF)